170 (4)

NO. 10-127

IN THE
SUPREME COURT OF THE UNITED STATES

IRANDOKHT BAHRAMI

PETITIONER

VS.

MOHAMMAD ALI SAADAT KETABCHI, ALSO KNOWN AS MOHAMMAD KETABCHI, HOMAYOUN SAADAT KETABCHI & HOMAYOUN KETABCHI

RESPONDENT

ON PETITION FOR WRITE OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

REPLY BRIEF TO RESPONDENT'S OPPOSITION

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I
PARTIES TO THE PROCEEDING

The following identifies all of the parties appearing I here and before the United States Court of Appeals for the Second Circuit:

Irandokht Bahrami is the Petitioner here and was the appellant below.

Mr. Mohammad Ali Saadat Ketabchi is the Respondent here and was the appellee below

The Dweck Law Firm, LLP was the Respondent lawyer in Court of Appeal, as well as District Court.

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D. Very important extra documents.	

STATEMENT OF CASE

I received Mr. Dwek's 21 pages with no Appendix Respondent's opposition filed August 18 2010. Mr. Dweck ignored me and didn't send me a copy of the Waiver even though he became member of the Bar of US Supreme Court in August 16 2010.

Mr. Dweck said, I brought an Eight Million Dollars allegation. **In April 14 2005** my lawyer filed an allegation with District Court **without** including any **monetary damages**, simply for I and my family's safety. By law of District Court in **July 19 2005** my lawyer filed **Plaintiff's Amended Verified Complaint** and **included** the **monetary damages**.

Appendix B pages 66 to 69, I combined the two allegations, April 14 2005 with no monetary damages and July 19 2005 with monetary damages, under April 14 complaint.

In **August 12 2005** Mr. Ketabchi brought an **EIGHT MILLION DOLLARS counterclaim**. I was raped, treated like an animal who lived in cage for a very long time, treated real bad that's why I became strange to outside world, like an abuse animal, and I was raped again in January 25 2005, and he attempt to rape my daughter Atosa before he raped me in January 25 that's why I didn't care if I be killed anymore just didn't want the same thing that happen to me to be repeated for my daughter, otherwise, January 25 2005 rape was not the first neither the second time I was raped by Mr. Ketabchi.

Mr. Ketabchi also was represented by two set of lawyers first set was a group of five lawyers very experienced and well known from a very established firm working for him, all the Depositions, Declarations, and Affidavits were taken by the first set of Mr. Ketabchi team lawyers but since Mr. Ketabchi based his case on lies, fraud and forged they quit on him. Then Mr. Dweck took over Mr. Ketabchi's case and he was fraud enough to go with Mr. Ketabchi's forgeries and submitted his fraud and

forgery to all the Courts in my case. My lawyers Mr. Zilberg and Mr. Certain in District Court are new lawyers in their early thirties and I don't call them experienced, also in Circuit Court I was a Pro Se.

Mr. Dweck claims in page one "since their sexual relationship was always consensual " again Mr. Dweck started playing monopoly with every ones mind I have submitted the Rape Transcript to District Court in May of 2005 licensed Translator Mrs. Zahregian and Notarized by Mrs. Garcia.

Mr. Dweck's claims in page one "the Petitioner testified the alleged rape was January 27 2005". Also, in page 2 paragraph three " the two daughters disaffirmed these statements on the eve of trial and submitted new sworn statements". I and my daughters always said that I was raped one day before Mr. Ketabchi left to Dubai even though I was confused about the rape date since I never thought I be able to go forward due to fear of Mr. Ketabchi and cultural matter. The **Trial was in October 14 2008 my Deposition** was in **Nov 4 2005** and **my two daughter signed Declarations in February 2006** none of us change the rape date in last minute before the Trial again.Mr. Dweck is playing his monopoly.

Deposition of Ms. Bahrami dated Nov 4 2005 lower court record page 33 lines 10 to 22, 25 page 34 lines 2, 5 to 8

Q: What were you wearing on January 27th?

T-shirt, no tank top, a black tank top and he wasn't supposed to come that day because he was supposed to pack his luggage.

Q: Where was he going if you know?

A: Dubai the next day and I supposed to go a few days later.

A: He called Amin, the same ticket agent that Mr. Ketabchi told me to go and pick up my ticket on Nov 11 1999 to London. (in that trip Mr. Ketabchi used his brother Mr. Fred Ketabchi's American Passport to travel)

A: And then he burned my breast(Bahrami Deposition page

14 line2)

A: And until the last minute when he went to the airport, he called, he would pass on the receiver to this brother Fred and I called downstairs to the doorman, you can ask them. If you ever see Mr. Ketabchi again, do not let him in I put in a notice because I was afraid Mr. Ketabchi was lying and hiding somewhere(Bahrami Deposition page 90lines2 to 10)
Q: When was the last time you had seen him before January 27th of 2005?
A: 25 or 24, I don't recall. We went to restaurant and we went to theater on 32nd and then in the morning he came (Ms. Bahrami Deposition, page 36 lines 2, 3, 7 to 11)
A: On January 22nd he was there from six o'clock till late and he had done some grocery shopping for me so I wouldn't go outside and see anybody.(page 36 lines 14 to 19)
A: Almost everyday I saw Mr. Ketabchi in January 2005(page 36 lines 21 to 25)

I saw Mr. Ketabchi in January 22, 24 and 25 everyday he controlled me specially when he was leaving the country he controlled me even more. Mr. Ketabchi took me to movie and restaurant in January 24 2005 then the next day in January 25 2005 I didn't think he will come by because he was leaving the next day to Dubai but he came to my apartment and raped me. All alone I was confused about the rape date but we always said rape happen one day before Mr. Ketabchi left to Dubai.

A: January 26, I swear, because I was, I had been late, I don't know, maybe 25, 23; I don't know--I had been late, I was scared, I had to take the elevator, I started running down, it was January 25, and it was raining, maybe January 23. I don't know which day anyway. It was one of these days(Bahrami Deposition, page 155 lines 6 to 15)

Despite the fact, Mr. Ketabchi's lawyer repeatedly said, I was raped in January 27 or 28 or wishes to put certain time for rape

forcefully in my Deposition, I was just explaining the rape I really don't know what time rape happen.

Declaration of Irman dated February 2006 page 2 (lower court record) Irman said" **In late January 2005 I had dinner with my mother, sister and Mr. Ketabchi. I don't recall the exact date of the meal but I know, it was one day before Mr. Ketabchi traveled to Dubai"**
Declaration of Atosa dated February 2006 page 2 (lower Court record) Atosa said" **I believe the actual date was January 25 2005", " He was about to depart for Dubai the following day".**

Mr. Ketabchi said at Trial in 2008: I don't remember two years ago. January 23 or 25, one day I was at her home.(Trail Transcript page 136 lines21 to 23 Appendix B)
My two doormen signed two letters Appendix B pages 169 and 170"**Sam Gbajumo, on January 25 2005Mr. Ketabchi came to the building, took elevator and went to Ms. Bahrami's Apartment. In January 26 2005 Ms. Bahrami called down stairs and asked us to leave a note in our book, not to let Mr. Ketabchi in ever again".**

My Deposition dated Nov 4 2005, which I talk about rape of January 25 2005
A: He started, he closed his fist and he started at my head but then he took his belt out, all my body was black, my neck, my back, my thighs, then he threw me down on the floor and raped me, not once. I was beaten up a lot and I had bleeding(Bahrami Deposition page16 lines 3 to 7, 17, 18)
I took no picture of my bruises but one day before my Deposition after nine months, with advise of my lawyer my daughters took picture of my burn mark, even though it was not much left.
Q: It's your testimony that he bit you front and back and he

bit you on your private parts?
A: And my thighs, he always does that every time he rapes. I'm always ashamed to take a shower. I always feel pain.
Q: How long did the biting take?
A: Which woman measure the time when she is beaten or raped.(Bahrami Deposition, page 27 lines11 to 24)
A: I was raped three times with force, I don't want it and he beats me up (Bahrami Deposition page 29 lines 2, 6,7)
A: His eyes start turning like a pendu, just very irregular like a clock(page 29 lines24, 25) He starts yelling and beating me up and I say something he doesn't respect it he beats me even worse until I start bleeding then he becomes happy and he always says you don't respect me you order me around Bitch.(page 30 lines 6 to 11) I was like a person who was in coma because I had been beaten up so much and I was in so much pain and I never had the right to go to hospital or call the police because I would be killed(page 31 lines 2 to 4 and 10 to 12)

Mr. Dweck claimed in page 2 that I was raped at 5:00 o'clock I didn't check the clock when I was raped I said I was raped late afternoon.
Ms. BAHRAMI Deposition dated November 4 2005page 7 line 25 page 8 line 2
Q: Do you recall the time of rape?
A: As I said I did not look at the time at that moment.
Q: Do you know the time of rape?
A: I don't. I was very distressed. He pulled out half of my hair I had pain all over my body and I feel scar in my heart in all my being and I will always have it (Bahrami Deposition page 28 lines3 to 7)

Mr. Ketabchi's 195 pages of Deposition dated October 21 2005, Mr. Ketabchi's responded to 98% of the questions **" I don't recall", " I have to check" and "I don't remember".**
Q: Did you have sex with Plaintiff in 2005 and what month?

A: Yes in January(Mr. Ketabchi's Deposition page 154 lines 12 to 17)
Q: Was it more than one time and in what address?
A: Yes more than once, in her apartment.(Mr. Ketabchi's Deposition, page 154 line 25, page 155 lines 3, 15 to 17)
Mr. Ketabchi said at Trial in 2008: I don't remember two years ago. January 23 or 25, one day, I was at her home.(Trail Transcript page 136 lines21 to 23 Appendix B)

I was raped in January 25 2005 and I went through a lot of abuse, physically and mentally, isolation, and constant harasses. I was living in jail and Mr. Ketabchi was my prison guard. I had no control of my life and it all started by Mr. Ketabchi raping me the first time.

A: I was so horrified everyday over and over he was threaten me, and even now I don't know whether he's going to kill me or not, and he threatened that his brother Saeed would kill me by truck or accident.(Bahrami Deposition page 39 line2 to 7)
Woman: But don't forget you kept me with force, and harassing.(Rape Transcript Page 7 line 8,9 Appendix B)

A: He had four people following me all the time. I don't know who he would send. I did not have the right to look because he would say you want to look at other men. (Bahrami Deposition page 40 lines 22,23 page 41 lines3 to 6)

Declaration of Atosa dated February 2006: Mr. Ketabchi's relationship with my mother was very abusive he routinely pull my mother's hair in our presence and slapped her.
Declaration of Irman dated February 2006: Mr. Ketabchi abused my mother, I was witness to Mr. Ketabchi's physically violence towards my mother. I saw him pull her hair and slap her face. This happened a lot. He was emotionally and verbally abusive towards her. She often cried.

Page 2 Mr. Dweck claimed "on January 27 2005, Mr. Ketabchi was in transit to Dubai and his flight had stopped in Frankfurt, Germany on that date". Please refer to my Petition pages 13, 14.

Mr. Dwek claims in page 7 " she did not claim rape, just aggravated harassment"(Please refer Petition pages 3 to 8) **Officer Garofalo's Deposition talks about the first meeting February 16 2005**(pages 20 Appendix B) two months before I hired any lawyer on my case.
"Now, I have to try to convince a victim who is not born here and is not used to our culture that It's Okay to be treated like a lady and **no one has a right to especially a man does not have a right to beat you , rape you or abuse you."**
Officer Garofalo in her Deposition regarding the Aggravated Harassment said,
" **In Miss Bahrami case she was being victimized not only physically but also through phone calls".(page 16, Appendix B)**

The two obvious fraud and forged phone statements, forged by Mr. Ketabchi rejects all arguments which Mr. Dweck made in pages 2 and 3 of his Respondent Opposition. Mr. Dweck still bases his arguments on fraud and forged phone statements. Please refer to my Petition page 9 to 12 and 25 to 26 (Appendix B page 164 t0 168)

Mr. Dweck in page 2 said I made a call from my cell phone to Mr. Ketabchi's home in New Jersey for 14 minutes. Please refer to my Petition page 9.

Mr. Dweck claims in page 13 "**Dr. Show and Dr. Berger** submitted forged documents to District" Mr. Dweck started playing monopoly by saying Dr. Show, Dr. Show is my daughters doctor. **Mr. Dweck changed the name of Dr. Surur to Dr. Show** since I put phone number of Dr. Surur in my Petition and Dr. Surur said if this lawyer added any fake letters from my side I will bring a law suit(Petition page 20).

Dr. Robert H. Berger's resume (lower court record) noted that Dr. Berger was a Director of Psychiatric Department in Bellevue Hospital between years of 1996 to 2004. Bellevue Hospital said, **Dr. Robert Berger with different license number** as Dr. Robert H. Berger was working there. After testing about 15 answers were changed in answering sheet please refer to my Petition pages 16 to 18.

Dr. Craig L. Katz Honor student graduated from Harvard University, working for one of most prestigious Hospitals in NYC, Mount Sinai saw me for about 60 hours. Dr. Berger saw me for 8 hours but between me taking exam and him being busy on the phone and smoking cigarette **we had only 30 minutes of conversation that's why Dr. Berger had to ask the Defendant lawyer what to put in his report**.

Mr. Dweck said in page 13 "Mr. Ketabchi raped the fourteen years old while traveling on his brother's passport". Mr. Dweck mixing up Mr. Ketabchi's crimes to confuse everyone as he did in all courts. Mr. Ketabchi raped the 14 years old kid and Mr. Ketabchi used his brother's American passport happened in two different timing.**(Petition page 15)** If you check **Mr. Ketabchi's American Passport for Nov 11 1999 it contain no stamp from Heathrow England but my American passport and Mr. Fred Ketabchi's American Passport were stamped in Heathrow England in Nov 11 1999. I was witness of that.**

I tape recorded Mr. Ketabchi admitted that I was not his only victim. Mr. Ketabchi also **raped a 14 years old boy**(Mr. Ketabchi attacked us and raped us against our will and at Trial Mr. Ketabchi was asked by Mr. Certain, if he raped a 14 years old boy, Mr. Ketabchi replied" **That was a set up**" which that line was disappeared from Trial Transcript.

Mr. Ketabchi took me to Bank **in London in Nov 1999 Bank asked him if he was American Citizen and he said no Iran even though he was US citizen only to do money laundry.**

In page 9 Mr. Dweck said, Judge Berman found me not credible and called my daughters not truthful. I was discriminated by Judge Berman based on favorism to Mr. Dweck. I had no right at Trial I was treated like a victimizer and Mr. Ketabchi was treated like a victim. My lawyers were shut up, my doctor, my witnesses and me were not given permission to talk.

My rape tape was not allowed to be played by order of Judge at Trial. Mr. Ketabchi's extremely abusive tone of voice in that tape, shouting and screaming, his controlling personality and the extreme time curfew, harasses and punishment which he set for me for being a minute late from my time curfew, all would show that I was living in Mr. Ketabchi cage. That tape is an evidence and should have been documented at Trail. The tape is an example of tiny drop in the ocean. I went through a lot more than that everyday of my life for 16 years. My Trial was not a Trial it was a game. Mr. Dweck was ruling the whole court at Trial, submitted all the fraud forgery and misconducts.

I believe Mr. Dweck took this case very much personal. He violated the rule of conduct by bring fraud, forged, mislead, misrepresentation and misconduct to my case and stepped on the right of innocent and a victim which is me.

CONCLUSION

I had no right at Trail neither my motion60b3 in Judge Berman's court, it was a pure discrimination based on favorism, whatever Mr. Dweck asked Mr. Dweck got. I lost all my constitutional rights due to fraud, forged and misleading which Mr. Ketabchi did and Mr. Dweck submitted. I am a true victim of rape of January 25 2005 who lost her rights and I wish for justice.

Thank you,

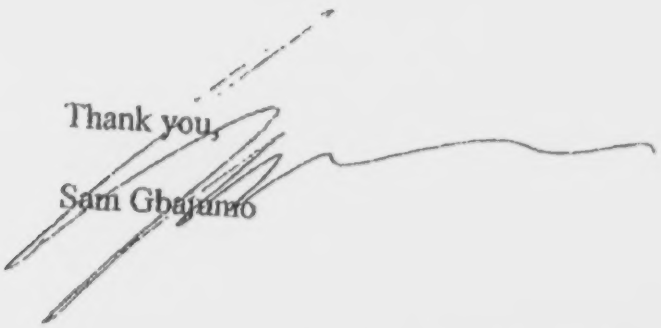
Irandokht Bahrami

APPENDIX INDIX D

SUBJECT	Page
1- Picture of Mr. Ketabchi taken in 1997, Passport number 093880130	1
2- Testimony of my doorman Mr. Sam Gbajumo, regarding January 25 2005	2

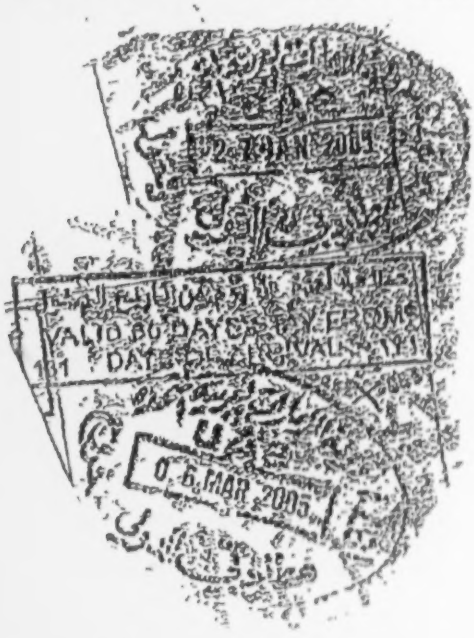
My name is Sam Gbajumo, and I work in 400 East 57th Street, New York, NY 10022, Ms. Bahrami is one of the tenants in this building, on January 25 2005, Mr. Ketabchi, Ms. Bahrami's husband came to the building with some shopping bags, he took elevator and went upstairs, to Ms. Bahrami's apartment as usual.

In January 26 2005, I was working again and Ms. Bahrami called downstairs and asked us to leave a note in our book, not to let Mr. Ketabchi in 400East 57th Street building ever again.



Mr. Dweck loves to play monopoly, like saying Mr. Ketabchi had two days stop in Frankfurt Germany even though Mr. Ketabchi's American passport(issued in 1997 to 2007)never stamped in Frankfurt but Dubai. Or, when I was in Second Circuit Mr. Dweck gave wrong address and phone number of his office to Court of Appeal so I would send my brief to the wrong place.

This picture of Mr. Mohammad Ali Sadat Ketabchi was taken in April of 1997, passport number 093880130. Mr. Ketabchi's American passport contains no stamp from Frankfurt German because he never had any stop there, otherwise it would be stamped, it is mandatory. But it was stamped in Dubai when Mr. Ketabchi reached there in January 27 2005. Also, it was stamped again in Dubai when Mr. Ketabchi left Dubai in March 6 2005.



Mr. Ketabchi's American passport was issued in May 1997 and the expiration date for that passport was May 2007.